

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RICKY LEE DAVIS	)
	)
v.	) NO. 3:09-0842
	) JUDGE CAMPBELL
GALLATIN POLICE DEPARTMENT,	)
et al.	)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 14) and Objections filed by the Plaintiff (Docket No.17).


The Court has reviewed the Report and Recommendation, the Objections, and the file. The Report and Recommendation is adopted and approved in part and rejected in part as follows.

Plaintiff filed this action against the Gallatin Police Department and the Sumner County Memorial Hospital. Docket No. 1. Plaintiff has failed to comply with the Court's previous Order (Docket No. 10) requiring him to show cause for his failure to serve these Defendants within the 120-day filing period required by Fed. R. Civ. P. 4(m). Therefore, all claims against Defendants Gallatin Police Department and Sumner County Memorial Hospital are DISMISSED without prejudice.

In response to the Court's prior Order, Plaintiff filed a letter identifying the arresting officer in this matter as J. Sircy and including a completed summons and USM-285 form for Officer Sircy. (Docket No. 13). In addition, Plaintiff has also filed Objections to the Report and Recommendation in which he asks the Court to add Officer Sircy to his Complaint (Docket No. 17). Plaintiff's Objections include a new Complaint, with Officer Sircy added. Docket No. 17-1.

Therefore, the Court, which must liberally construe the filings of a *pro se* Plaintiff, construes Plaintiff's filings (Docket Nos. 13 and 17) as a Motion to Amend his original Complaint, and that Motion is GRANTED. The Clerk is directed to file the amended Complaint (Docket No. 17-1), to add Officer J. Sircy a Defendant in this action (as the only remaining Defendant in light of this Order), and to issue process to Defendant Sircy.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE